

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

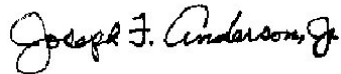
Lorraine Little,)	C/A No.: 3:09-886-JFA
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
John E. Potter, Postmaster General,)	
)	
Defendant.)	
_____)	

This matter comes before the court on the Government’s supplemental motion for summary judgment. Plaintiff Lorraine Little sues the government for subjecting her to a retaliatory hostile work environment. Originally, the parties prepared for this case to go to trial after the court adopted the magistrate judge’s recommendation that the Government’s motion for summary judgment be denied because Plaintiff had, in fact, exhausted her administrative remedies with respect to this claim and because the Government failed to challenge Plaintiff’s claim on the merits, thereby implicitly conceding that the evidence was sufficient to go to trial. (Report and Recommendation at 14.) Then, in the Government’s pretrial brief, the Government suggested that a “retaliatory hostile work environment claim” may not be cognizable, and in response to this concern, the court asked the parties to file additional motions with respect to this concern. After considering the parties’ briefs and oral argument, the court finds that there is a genuine issue of material fact in this case and denies the Government’s motion.

Prior to trial, the parties should confer about stipulating to certain, undisputed facts

in an effort to improve the efficiency and expediency of this trial. For example, the court urges the parties to stipulate to the date Plaintiff filed previous EEO complaints, the claims asserted in those complaints, and the EEOC's ruling on those complaints after review. Furthermore, the court urges the parties to stipulate to any actions taken due to the union's negotiation process, which might have affected Plaintiff's employment with the Post Office. These stipulations will prevent the unnecessary calling of witnesses and will help the trial move along.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

December 22, 2010
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge